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SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS:
HUMAN RIGHTS QUESTIONS

Suppression of the traffic in persons and of the exploitation of the prostitution of others

Report of the Secretary-General

Addendum

The present document contains information submitted by the Government of Kuwait, the Office of the United Nations High Commissioner for Refugees and the United Nations Educational, Scientific and Cultural Organization, which was received after the preparation of document E/1994/76.

Kuwait

[Original: Arabic]

[30 May 1994]

1. With regard to paragraph 1 of Economic and Social Council resolution 1983/30, in which the Council invited Member States to sign or ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Kuwait acceded to that Convention on 1 July 1968. Kuwait has also acceded to two other international conventions dealing with similar matters:

(a) The Slavery Convention of 1926 (date of accession 27 April 1963);

(b) The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (date of accession 8 January 1963).

2. Kuwait has ratified the following three international labour conventions containing provisions that prohibit forced labour and discriminatory treatment with regard to employment:

(a) The Forced Labour Convention No. 29 of 1930;

(b) The Abolition of Forced Labour Convention No. 105 of 1957;

(c) The Discrimination (Employment and Occupation) Convention No. 111 of 1958.

3. Pursuant to the provisions of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the competent Kuwaiti authorities (Customs and Ports Administration) issued Ordinance No. 1/63, prohibiting the transport or attempted transport of slaves, as well as other acts that are incompatible with the provisions of the Convention. 1/

4. With regard to paragraph 3 of the resolution, such practices, which do not exist in its territory, are strongly condemned by Kuwait in view of the fact that the traffic in persons and the exploitation of the prostitution of others constitute a contemporary form of slavery that is incompatible with the most basic human rights, as well as human dignity and values. It is also incompatible with the provisions of the Islamic Shariah, which advocates virtue and prohibits illicit practices and relations, as well as slavery. Moreover, such acts are contrary to public order and public morals. Accordingly, with regard to the Council recommendation that Member States punish all forms of procuring, it should be noted that the Kuwaiti Constitution and the legislation supplementing it contain a number of provisions that prohibit such acts and, at the same time, ensure that they do not occur. Those provisions are outlined in the following paragraphs.

5. Constitutional provisions:

(a) Article 9 stipulates that: "The family, based on religion, morality and patriotism, is the cornerstone of society. The law shall preserve the integrity of the family, strengthen its ties and protect mothers and children within its framework";

(b) Article 10 stipulates that: "The State shall care for the welfare of young persons, whom it shall protect from exploitation and from moral, physical and spiritual neglect";

(c) Article 29 stipulates that: "All persons are equal in regard to their human dignity. In the eyes of the law, they are equal in regard to their public rights and obligations, without any discrimination among them on the grounds of sex, origin, language or religion";

(d) Article 31 stipulates that: "No one shall be arrested, detained, searched or compelled to reside in a specified place, nor shall any person be restricted in his freedom of residence or movement, except as prescribed by law. No one shall be subjected to torture or to degrading treatment". In keeping

with those provisions, all the State's educational, social and informational institutions show concern for the family and the younger generation by protecting and safeguarding them from any exploitation or delinquency through moral and patriotic upbringing and education.

6. In addition to the constitutional provisions, the Penal Code (promulgated in Act No. 6 of 1960) contains a number of legal provisions that prohibit prostitution and the traffic in persons. Article 185 prescribes a penalty of imprisonment and a fine for anyone who traffics in slaves. Articles 200 to 204 regard procuring for the purposes of debauchery and prostitution as acts legally punishable by imprisonment and a fine. 2/

7. With regard to the Council recommendation that Member States should increase the number of women among the State's personnel, it should be noted that the female members of Kuwaiti society enjoy full equality with men in regard to their constitutionally recognized rights, including the right to work. In fact, article 41 of the Constitution stipulates that: "Every Kuwaiti has the right to work and to choose the type of such work".

8. Various employment opportunities are freely available to Kuwaiti women and, according to the statistics, Kuwaiti women constitute about 30 per cent of the Kuwaiti labour force.

9. It is noteworthy that Kuwaiti women hold several senior posts in the Civil Service. Those appointments include the first female Kuwaiti ambassador, the first female university rector (who is also the first woman to hold such a post in the Arab World), the first female deputy minister (at the Ministry of Higher Education), and female under-secretaries at a number of Kuwaiti ministries.

10. With regard to the Council recommendation concerning the curbing of the pornography industry, it should be noted that, under the Kuwaiti legislation in force it is prohibited to import or trade in any commercial goods that are incompatible with public order or public morals and the import of which is banned by Kuwaiti law. The competent State authorities exercise strict control over all goods and ban and confiscate any that offend the public sense of decency. The State also punishes the persons responsible for such offences.

11. With regard to paragraph 4 of Council resolution 1983/30, in which the Council invited Member States to cooperate closely with each other in the search for missing persons and in the identification of international networks of procurers, Kuwait definitely supports any international endeavours to eliminate such practices. It is also willing to cooperate with any international bodies with a view to putting an end to the traffic in persons.

Office of the United Nations High Commissioner for Refugees

[Original: English]

[2 June 1994]

1. Currently, there are approximately 10 million refugee children, who make up more than half the world's refugee population. Within the ambit of its mandate, the Office of the United Nations High Commissioner for Refugees (UNHCR) has taken a special interest in the plight of children who need special protection in view of their vulnerability to human rights abuses, including those referred to in Council resolutions 1983/30 and 1993/48. Refugee women are also particularly exposed to those abuses. It is recognized that women and children comprise approximately 80 per cent of most refugee populations. The Office has been involved in a number of activities in relation to the protection of refugee women and refugee children related to the issues covered in the above-mentioned resolutions.

2. The mandate of UNHCR is to provide international protection to refugees and to seek durable solutions for the problems of refugees. Sexual violence in its various forms poses significant problems for the protection of refugees in their country of origin, during flight and in the country of asylum. UNHCR has brought the myriad problems of physical security and sexual violence, including the abuses referred to in resolution 1983/30, to the attention of its representatives on numerous occasions through a variety of initiatives, as outlined below.

3. The Executive Committee of the High Commissioner's Programme has devoted increasing attention to those problems in recent years with the aim of ensuring that the planning of protection and assistance activities for refugees addresses the specific needs of women and children. In particular, it has adopted a number of specific conclusions on the protection of refugee women and refugee children:

1985 No. 39 (XXXVI)	Refugee women and international protection
1987 No. 47 (XXXVIII)	Refugee children
1988 No. 54 (XXXIX)	Refugee women
1989 No. 59 (XL)	Refugee children
1989 No. 60 (XL)	Refugee women
1990 No. 64 (XLI)	Refugee women and international protection

Those conclusions have been brought to the attention of UNHCR representatives and staff members in the field and at headquarters, and help form the basis of our day-to-day protection work.

4. The above conclusions on refugee women note in particular the problems that women face in the area of physical security and sexual exploitation. In addition, in 1990 UNHCR introduced its Policy on Refugee Women and in July 1991 the Office published "Guidelines on the protection of refugee women" (A/AC.96/EC/SCP/67), which cover the issue of physical security, including sexual exploitation and prostitution.

5. In relation to refugee children, the Office has taken several steps with a view to preventing their physical and sexual abuse. Notably, in August 1988 UNHCR issued "Guidelines on refugee children" (UNST/HCR(092.1)/G8), which contain the policies guiding UNHCR's actions in those areas and indicate concrete steps that can be taken to ensure that the needs of refugee children are met. Those guidelines have recently been revised, including incorporation of the principles expounded in the Convention on the Rights of the Child. In particular, there is a chapter devoted to "Personal liberty and security" which, inter alia, promotes remedial assistance for the recovery of victims of abuse and exploitation. In 1993, UNHCR introduced its Policy on Refugee Children, which includes the above conclusions on children and highlights the right of the child to personal security. It also outlines the objectives of UNHCR work, which include the protection of refugee children at risk from detention, armed conflict, military recruitment, sexual assault or abuse, prostitution, torture, hazardous working conditions or any other form of violence, abuse or neglect.

6. In April 1994, UNHCR participated in a Working Group of the Hague Conference on Private International Law on the application of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption to refugees and other internationally displaced children. UNHCR's particular concern is to discourage the unregulated adoption of refugee children. UNHCR will actively participate in future meetings on that issue.

7. The policy and guidelines on the protection of refugee women and refugee children are widely disseminated, including to UNHCR staff in the field, government officials of host countries and the staff of non-governmental organizations.

8. More recently, partly in response to the distressing situation of women in several regions, special focus has been placed by the Office on the problem of sexual violence in the refugee context. To that end, UNHCR has taken a large number of initiatives to improve the observance of the human rights of refugee women. In May 1993, UNHCR presented to the Executive Committee's Sub-Committee of the Whole on International Protection a note on certain aspects of sexual violence against refugee women (A/AC.96/822) and a paper on the personal security of refugees (EC/1993/SCP/CRP.3). In response, at its forty-fourth session the Executive Committee adopted conclusion No. 72 (XLIV) entitled "Personal security of refugees" and Conclusion No. 73 (XLIV) entitled "Refugee protection and sexual violence". Conclusion No. 73 is an action-oriented conclusion that calls for concrete measures to prevent and remedy the problem. 3/

9. Moreover, UNHCR is currently finalizing guidelines on the evaluation and care of victims of trauma and violence, and is developing guidelines on the prevention of and response to sexual violence against refugees for use in the field. Those guidelines will be shared with host Governments and implementing partners, in addition to UNHCR field offices.

10. In relation to operational activities, UNHCR deploys protection officers to all field locations who, along with the other UNHCR staff members, are responsible for the implementation of the policies and guidelines on refugee women and refugee children. UNHCR makes a special effort to ensure the

deployment of female protection officers in areas where female refugees experience particularly grave protection problems.

11. Since 1989, people-oriented planning training has been introduced to UNHCR. Through the use of case studies, that training focuses special attention both on the role and needs of women, promoting gender awareness in the provision of protection and assistance to refugees, and on specific needs in relation to children. It places special emphasis on issues in relation to the physical security of refugee women and refugee children. To date, over 750 staff from UNHCR and non-governmental organizations, government officials and Executive Committee members have received training. Training materials have been translated into various languages, including most recently Russian, in response to requests from our field offices.

12. In 1993, UNHCR launched the Women Victims of Violence Project in Kenya, which is specifically tailored to provide preventive measures against violence and sexual exploitation and to grant assistance to female refugees, including young girls, who have been exposed to human rights abuses, including physical abuse, abduction and sexual abuse. At a later stage, a thorough review of the Project will be conducted by UNHCR and the lessons learned will be incorporated into its operational activities in other countries where women are at high risk of physical abuse.

United Nations Educational, Scientific and Cultural Organization

[Original: French]

[31 May 1994]

1. For many years now, the United Nations Educational, Scientific and Cultural Organization, with the active participation of its member States, intergovernmental international organizations and non-governmental organizations, has been taking action to combat violence against girls and women - especially in urban areas - prostitution and sexual mutilation. Problems arising from offences against the dignity of women are becoming increasingly acute as a result of the spread of poverty in the world. UNESCO has expanded its activities during the biennium, laying the foundations for an international network and providing for the elaboration of new international norms.

2. UNESCO provided support for an exhibition organized by the city of Lille (France) on the theme of prostitution. The fact that many of the young people interviewed during that exhibition no longer consider prostitution as inevitable and believe that it can be eradicated is an encouraging sign that an evolution of the norms in this area is possible.

3. A working group, which met on 9 and 10 April 1991 at Penn State University (United States), set out to analyse the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and to propose ways of making its implementation and monitoring more effective.

After reviewing the causes of prostitution, the experts concluded that new international norms should be adopted in this area. Its report, entitled "Penn State Report" and published in English and French, was widely disseminated and gave rise, inter alia, to a debate in the Council of Europe. Following the publication of this report, and on the basis of a request addressed by the United Nations Working Group on Contemporary Forms of Slavery, another working group met in New York to elaborate new international norms. In addition to UNESCO, participants in the latter group included representatives of universities and non-governmental organizations, including the "Coalition against Trafficking in Women". The proceedings of the group were presented at a lecture given to non-governmental-organizations "Women's Group" at United Nations Headquarters. This group has shown a keen interest in the activities of UNESCO.

4. On the occasion of International Women's Day, an International Conference on the Sex Trade and Human Rights was held in Brussels on 6 March 1993. Organized by UNESCO, the Communauté française de Belgique, the International Federation of Human Rights and the International Council of Women, it attracted very considerable attention. In order to contend with a traffic in persons which has reached proportions and is conducted by methods that are little short of barbarous, participants urged that the international instruments designed to combat it should be strengthened. A campaign to collect signatures was launched in order to support the proposal for a new Convention against the exploitation of human beings which might be presented at the fourth World Conference on Women, to be held in 1995 in Beijing.

5. In addition, as part of the preparations for the fourth World Conference on Women, a working group comprising the member States of UNESCO and interested non-governmental organizations will meet at UNESCO in 1994 to examine ways of strengthening, at the international level, efforts to combat the traffic in persons and the sexual exploitation of persons, particularly through the proposal to strengthen existing norms (the 1949 Convention) and the proposal to introduce new norms in this field.

6. At the invitation of the National Commission of Korea, UNESCO will also organize, in October 1994, a meeting of experts on violence and on the suppression of the traffic in and prostitution of persons. The results of this meeting will be presented to the fourth World Conference on Women and to the non-governmental-organizations Forum.

Notes

1/ The text of the Ordinance is available for consultation in the files of the Secretariat.

2/ The text of the above-mentioned articles is available for consultation in the files of the Secretariat.

3/ The texts of the conclusions are available for consultation in the files of the Secretariat.